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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF JUNE 1998

Before

THE HON'BLE MR.JUSTICE KUMAR RAJARATNAM

WRIT PETITION NO.16340/98

Between:

Sri.R.D.Modagekar

Age: Major, Occ: Agriculture

R/o Nilji, taluk and Dist: Belgaum.

(By Sri.Amant Mandgi, Adv.)

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Petitioner.

And:

1. The Deputy Registrar  
of Co-operative Societies  
Belgaum.

2. The Manager  
Belgaum Taluka Agricultural Produce  
Co-op Marketing Society Ltd. Belgaum.

3. Sri Ramappa Nagappa Aavkkannawar  
Age: Major, Occ: Agriculture  
R/o Ankalgi, Taluk: Belgaum

4. Sri.B.S.Patil  
Age: Major rest -do-

5. Sri K.G.Topkar  
Age: Major, Occ: Agriculture  
rest -do-

Respondents.

(By Sri.B.Veerappa, HCGP)

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This Writ Petition is filed under Articles 226 and 227 of the Constitution of India, praying to quash vide Anx. A dt.18.2.98 by R2.

This petition coming on for preliminary hearing this day, the court made the following:

ORDER

The petitioner was elected to the Managing Committee in June 1997 in the General Body elections. The petitioner was also elected as Chairman of the

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Managing Committee for a term of one year which comes to an end on 12.7.1998. The petitioner called for the Meeting of the Managing Committee on 18.2.1998. There were five subjects on the Agenda. After all the five subjects were disposed of, a Resolution was passed by respondent Nos.4 and 5 by Resolution No.6 to remove the petitioner from the post of Chairman. Aggrieved by the said Resolution, the petitioner filed the dispute under section 70 of the Act before the 1st respondent- Deputy Registrar. An application for stay of the Resolution has also filed along with the application. The dispute was registered as Dispute No.314/97-98 before the 1st respondent. As far as the interim application for stay was concerned, no official orders were passed by the 1st respondent.

2. The learned Counsel for the petitioner submits that there is hardly one month before the term of the petitioner expires i.e. on 12.7.1998. He also submitted there is absolutely no provision in law by which the Managing Committee could pass a 'No Confidence Motion' against the petitioner have him suo moto removed from office. He submitted the proper party to deal with this matter is the Registrar under section 126 A of the Cooperative Societies Act. In that view of the matter, he submitted that the application for an interim order

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ought to have been considered by the first respondent.

3. I do not feel, it is necessary to keep this writ Petition pending on the file of this court, since the term of the petitioner even according to him expires on 12.7.1998. I feel that the ends of justice will be met, if the 1st respondent is directed to dispose of the dispute as expeditiously as possible. Pending disposal, there will be an interim stay of Resolution No.6 dated 18.2.1998. This interim order will enure till the dispute is disposed of or till 13.7.1998 *whichever is earlier*.

With this observation, the writ Petition is disposed of. No costs.

Sd/-  
JUDGE



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